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March 4, 2019

VIA ECF

Hon. Brenda K. Sannes, U.S.D.J.
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse NY 13261-7336

Hon. Therese Wiley Dancks, U.S.M.J.
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse NY 13261-7346

Re: Cristina Tanner v. Heffernan Ins. Brokers, Inc., et al.
Case No. 6:19-CV-0255 (BKS/TWD)
Our File: 14-1023-A

Dear Judge Sannes and Magistrate Dancks:

We represent the plaintiff Cristina Tanner in the above matter, which was removed to this court on February 21, 2019. Today we filed a motion to remand, demonstrating that the notice of removal was untimely, that the removing defendants' failure to file Cristina's amended summons with notice when they removed requires remand, and also that the non-diverse defendant Risen Foods LLC, was not joined fraudulently and solely to defeat diversity.

Cristina's remand motion is returnable April 4. The removing defendants filed a motion to dismiss on February 25 which is returnable the same date. The ECF system generated identical dates for responding and reply papers for each motion.

Obviously, fairness and orderly procedure require that Cristina's motion to remand should be decided before she is forced to respond to a motion to dismiss. We therefore ask, Judge Sannes, that you issue an order removing the defendants' motion to

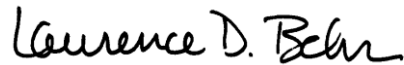
Hon. Brenda K. Sannes, U.S.D.J.
Hon. Therese Wiley Dancks, U.S.M.J.
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dismiss from the court's calendar, without prejudice to refiling in the event that remand is denied.

Also, on February 22 a case management plan and order was filed, with looming deadlines and dates for discovery events *etc.*, which we ask Magistrate Dancks to suspend pending the decision on Cristina's motion to remand.

Thank you both for your attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Laurence D. Behr". The signature is written in a cursive, slightly slanted style.

Laurence D. Behr
Bar Roll No. 501024